

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**ERIN J. BUCKLEY,**

**Petitioner,**

**vs.**

**STATE OF OHIO,**

**Respondent.**

) **CASE NO. 5:19 CV 424**  
)  
) **JUDGE DAN AARON POLSTER**  
)  
) **OPINION AND ORDER**  
)  
)  
)

Before the Court is the Report and Recommendation (“R&R”) of Magistrate Judge James R. Knepp II. **Doc #: 10.** The Magistrate Judge recommends that the Court deny the habeas petition filed by Petitioner Erin J. Buckley under 28 U.S.C. § 2254. **Doc #: 1.** In April 2017, a jury convicted Buckley of aggravated robbery and petty theft. The trial court sentenced Buckley to eight years imprisonment on the aggravated robbery conviction, twelve months imprisonment on identity fraud, and 180 days of local incarceration on the petty theft charge. Buckley now challenges her convictions asserting ineffective assistance of trial counsel, conflict of interest of trial counsel, failure to subject prosecution’s case to meaningful adversarial testing, and asserts counsel’s performance fell below an objective standard of reasonableness.

Under the relevant statute:

Within fourteen days after being served with a copy [of a magistrate judge’s R&R], any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1) (emphasis added).

In this case, the R&R was issued on August 18, 2020, and it is now September 18, 2020. Thirty-one days have elapsed since the R&R was issued, and Petitioner has neither filed objections nor a request for an extension of time to file them. The failure to timely file written objections to an R&R constitutes a waiver of a *de novo* review by the district court of any issues covered in the R&R. *Thomas v. Arn*, 728 F.2d 813 (6<sup>th</sup> Cir. 1984); *United States v. Walters*, 638 F.2d 947 (6<sup>th</sup> Cir. 1981).

Despite the lack of objections, the Court has reviewed Magistrate Judge Knepp's thorough, well-written 23-page R&R, and agrees with the Magistrate Judge's findings and recommended rulings. Therefore, the Court **ADOPTS** the R&R in its entirety, **Doc #: 10**, and denies the § 2254 habeas petition, **Doc #: 1**.

**IT IS SO ORDERED.**

/s/ Dan A. Polster    September 18, 2020  
Dan Aaron Polster  
United States District Judge